

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BARRY L. BRASHEAR,	§	
	§	
VS.	§	CIVIL ACTION NO.4:05-CV-737-Y
	§	
DOUGLAS DRETKE, Director,	§	
T.D.C.J., Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Barry L. Brashear under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 21, 2006; and
4. The respondent's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 11, 2006.

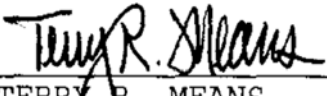
In this § 2254 petition, Brashear challenges his failure to be released to mandatory supervision. But, as noted by the magistrate judge, he was released to mandatory supervision on April 12, 2006.¹ The Court, after de novo review, concludes that the Respondent's objections must be overruled, that the magistrate judge's findings and conclusions should be adopted, and that the petition must be dismissed as moot.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

¹Brashear has not updated his address of record with the clerk of Court as required by the local rules, and thus his copy of the magistrate judge's report and recommendation, delivered to his address of record, was returned stamped "Return to Sender-Not Deliverable as Addressed-Unable to Forward."

The petition for writ of habeas corpus under 28 U.S.C. § 2254
is DISMISSED WITH PREJUDICE as moot.

SIGNED May 15, 2006.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE